

REMARKS

This Response is in reply to the Office Action mailed on February 24, 2006. Claims 1-5 are pending and claims 1, 2, and 5 have been amended herein. Support for the amendment to claim 1 adding "said axis of symmetry of the rotary plates (4) being horizontal" can be found in the specification on page 8, line 17 and in the figures. No new matter has been added. Entry and consideration of the amendments and following remarks is respectfully requested.

OBJECTIONS TO THE DRAWINGS

In response to the Examiner's objection that the drawings do not show all the features of the claimed invention, namely the third ramp, Applicant would like to direct Examiner's attention to Fig. 2, reference numeral 14 which is the third ramp. The third ramp is not shown in Fig. 1 because it is hidden by the two upper ramps.

The Examiner's objection to Fig. 3 as containing a reference numeral 14 not disclosed in the claim should be withdrawn in view of the amendment herein to the specification. The specification has now been amended to properly assign the reference numeral 14 to the two lower tracks. In view of the above, Examiner is respectfully requested to withdraw the objections to the drawings.

OBJECTIONS AND § 112 REJECTION TO THE CLAIMS

Claims 1 and 5 have been amended herein to overcome the Examiner's objections. Applicant appreciates Examiner's suggested amendments. Claim 2 has been amended to correct the antecedent basis problem.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1-5 stand rejected as obvious over Marshall et al. (6,619,946) in view of Stenger (3,432,586). It is Applicant's contention that the rejection has been overcome and should be withdrawn.

Independent claim 1 as amended requires that the axis of symmetry of the rotary plates is horizontal. In other words the bottles are cut in a horizontal position. The horizontal position of the bottle during cutting permits the bottles to be properly aligned and balanced. Double bodied bottles are much longer than single bodied bottles and would wobble too much if cut in the vertical position.

It follows that, even if one were to combine the teachings of Marshall and Stenger, the result would not be the claimed invention. In contrast to the claimed invention, Marshall teaches a machine that cuts bottles in the vertical position. The machine disclosed in Marshall could not be used to cut double bodied bottles since it would be too difficult to align and steady the bottle. Consequently, the references cited by the Examiner cannot be combined to teach the present invention.

A further distinction exists between the cited references and the claimed invention. Claim 1 requires that the pair of arc shaped blades (7) are oriented in parallel to the plane of the rotary plates (4). The orientation of the blades places them in a position that is orthogonal to the symmetry axis of the bottles and is stationary. The placement of the blades parallel to the plane of the plates permits the present invention to contact the bottle in six points while cutting (two blades 7 and the four pulleys 9 linked to the plates 4). This results in a straighter and more precise cut of the neck of the bottle. The two parallel blades are also advantageous because they

remove the central dome of the double bodied bottles in the trimming step without necessitating any further operations.

Examiner relies upon Stenger to teach the two blades that are not present in Marshall. However, the two blades of Stenger are not similar to the blades of the claimed invention which are parallel to the plane of the plates. In contrast to the present invention, the blades of Stenger the blades 28 of Stenger are movable, disposed longitudinally to the axis of symmetry of the bottles, and face each other. The orientation of the blades of Stenger would not provide the cutting accuracy and efficiency as does the present invention. In other words, although Stenger may show two blades, it does not teach or suggest the proper arrangement of the blades that would result in the benefit achieved by the present invention. There are many ways to position the blades relative to one another and the mere disclosure of a second blade does not teach the proper arrangement. Consequently, the combination of Marshall and Stenger does not disclose all the elements of the claimed invention.

In view of the above, Examiner is respectfully requested to withdraw the obviousness rejection. Additionally, for at least the reason of their dependence, directly or indirectly, from independent claim 1, claims 2-5 are also allowable.

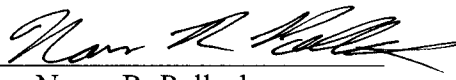
CONCLUSION

In view of the amendments to claims 1, 2, and 5 made herein and the arguments presented above, it is submitted that the Examiner's rejections have been overcome and should be withdrawn. The application should now be in condition for allowance.

Should any changes to the claims and/or specification be deemed necessary to place the application in condition for allowance, the Examiner is respectfully requested to contact the undersigned to discuss the same.

This Response is being timely filed. In the event that any other extensions and/or fees are required for the entry of this Amendment, the Patent and Trademark Office is specifically authorized to charge such fee to Deposit Account No. 23-2820 in the name of Wolf, Block, Schorr & Solis-Cohen LLP. An early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
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LLP.

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